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## Senate

(Legislative day of Monday, March 6, 1995)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, ultimate Sovereign of this Nation, gracious Lord of our personal lives, and Providential Guide of this Senate, we dedicate this day to do justly, love mercy, and to walk humbly with You. We are challenged by the realization that the Hebrew meaning of "walk humbly" means "to walk attentively." And so, we commit our minds and hearts to listen attentively to You.

Speak to us so that what we speak may be an echo of Your voice which has sounded in the depth of our receptive souls. In the din of the cacophony of voices demanding our attention and the pressure of the self-seeking forces willfully dominated by self-interest, help us to seek to know and do Your will for what is best for our beloved Nation. Help us to remember that no problem is too small to escape Your concern and no perplexity too great to resist Your solutions. Grant us the greatness of minds tuned to the frequency of the Spirit's guidance. Free us of any tenaciously held positions that may not have been refined by careful listening to You so that our united position together may be that of women and men committed to Your righteousness and justice. So we say with Samuel of old, "Speak Lord, Your servant listens"—I Samuel 3:9. And the same blessing we seek for us this day, we pray for our President, the House of Representatives, the Justices, and all who carry the awesome responsibilities of government in every city and State of our land. Lord God of Hosts be with us yet, lest we forget to listen to You. In Your holy name, amen.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from South Carolina.

### AN AMENDMENT TO H.R. 889 TO PROHIBIT FUNDING TO IMPLEMENT THE EXECUTIVE ORDER BANNING THE USE OF PERMANENT STRIKER REPLACEMENTS BY GOVERNMENT CONTRACTORS.

Mr. THURMOND. Mr. President, President Clinton recently issued an Executive order to ban the use of permanent replacement workers during labor disputes involving Government contractors. The Secretary of Labor would have the responsibility to enforce the order by asking Federal agencies to cancel existing contracts, or ban violators from future contracts.

This Executive order is contrary to current law and, therefore, improper. It will deny to Federal contractors a legal right which is available to all other

businesses; namely, the right to respond to union economic warfare by hiring permanent replacement workers. This is a fundamental legal right of all employers and should not be eliminated by Executive order.

This administration asserts that the Executive order is simply a procurement policy under the discretion of the President. Yet, Congress has dealt decisively with this issue over the past 4 years by consistently rejecting legislation with the same objective as this order. Furthermore, the right to hire permanent striker replacements has been Federal law for 60 years. Let me repeat that—60 years. Banning the use of permanent replacements by Federal contractors through Executive order is an improper intrusion into the province of the legislative branch of Government.

This Executive order violates the congressional mandate of Federal Government neutrality in labor disputes. Current Federal labor laws are designed to strike a very delicate balance between management and labor. The right to replace strikers is just as much a vital part of that balance as is the right to strike and the right to bargain. This balance has evolved over many years of congressional scrutiny, and this intrusion will change the effectiveness of the law without proper legislative action.

Mr. President, it is a sad day for our Nation whenever one branch of our constitutional form of Government seeks to encroach upon the province of another. The Kassebaum amendment will prohibit the administration from spending any appropriated funds to implement this Executive order. I strongly urge my colleagues to support this amendment and to support cloture.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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